

OFFICIAL

Provision: HCFA-PM-95-4 (HSQB)
June 1995

Attachment 4.35-G

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: New York

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Transfer of Residents: Transfer of Residents with Closure of Facility: Describe the criteria (as required at §1919(h)(2)(A) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation).

☒ Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

In Emergency Cases, Closure of Facility and/or Transfer of Residents

Section 2806 of the Public Health Law gives the Commissioner the authority to revoke or suspend a facility's operating certificate and/or transfer residents. Rather than subject residents to unnecessary transfer, Section 2806-b of the Public Health Law is utilized to seek emergency appointment by a court of a caretaker on a temporary basis, to protect the interests of the residents while legal action is taken to revoke the operating certificate of the facility and place the facility in receivership and ultimately under a new operator.

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